

REMARKS

Upon entry of the present amendment, Claims 1 and 3-8 remain in the application.

The above-identified Office Action has been reviewed and the references carefully considered. In view thereof, the present amendment is submitted. It is contended that by the present amendment, all bases of rejection set forth in the Office Action are traversed and overcome and/or the issues have been simplified for purposes of possible appeal. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

In the Office Action, Claims 1 and 3-9 stand rejected under 35 U.S.C. 103 as being unpatentable over Lipworth, Ridker and Faham, all references of record. Although the Examiner did not differentiate the manner in which the references are being applied, it is assumed that the rejection is Lipworth in view of Ridker and Faham and will be treated as such.

It is the Examiner's contention that Lipworth teaches an association between allergic inflammations and the administration of leukotriene inhibitors such as monteleukast, a zafirlukast along with loratadine and proposes treatments therewith. The Examiner further goes on to state that there are recited steroids and that Lipworth teaches the effective dosages. The Examiner concedes that Lipworth does not teach the reduction of C-reactive protein, but that Ridker teaches that C-reactive protein is a marker of systemic inflammations. Thus, the Examiner concludes that it would be obvious to employ the compounds disclosed in Lipworth to reduce C-reactive protein.

Faham is cited as a teaching of fexofenadine as an antihistamine.

A review of the Lipworth, and as the Examiner notes, discloses the topical use of the corticosteroid. As the word topical is understood, this means application to the epidermis. Topical application is not the same as orally ingesting or infusing through a nasal spray.

Furthermore, the claims have been amended to more succinctly define the invention and, specifically, to include therein the limitation disclosed at Paragraph 25 of the application, namely, a single time administration of the components in a liquid vehicle. Such is neither taught, disclosed nor suggested, nor would it be practical to achieve same upon the combining of the references.

Ridker only teaches the determination of a marker for an atherosclerotic condition. At most the reference uses the marker determination to determine if a non-smoker has a risk for a myocardial infarction.

None of the references, whether used singly or in combination, would suggest to one of ordinary skill in the art that by combining the three components together in a single dosage composition that C-reactive protein levels could be reduced in the body of the user to treat a systemic condition or inflammation. It is submitted to the Examiner that there is a difference between using a compound as a marker versus using a compound as a treatment. There is a difference between a detection and a treatment. Detection only shows a propensity towards or the presence of a condition, not treatment.

Furthermore, the claims have been amended to more succinctly define the invention as noted hereinabove to limit the invention to that disclosed in Paragraph 25 hereof. This precludes the use of the topical application of the corticosteroid, individually or otherwise.

Thus, it is submitted that by what has been set forth herein, it is has been established that the subject matter of Claim 1 is patentably distinct from the art of record. Claims 3-8 depend from Claim 1 and include the limitations thereof. Thus, it is believed that by virtue of the patentability of Claim 1, the dependent claims are, also, patentability distinct from the art of record.

It is respectfully that by this amendment all bases or rejection set forth in the Office Action are traversed and overcome. The claims have been amended to more succinctly define the invention and to render them patentably distinct from the art of record. Thus, it is submitted that in the absence of more pertinent art the application has been placed in condition for allowance and/or the issues have been simplified for purposes of possible appeal.

Accordingly, a Notice of Allowance is respectfully requested or entry of this amendment for purposes of possible appeal is respectfully requested.

Respectfully submitted,

Dated: November 17, 2009

/Arnold S. Weintraub/
Arnold S. Weintraub, Reg. No. 25523
The Weintraub Group, P.L.C.
28580 Orchard Lake Road, Suite 140
Farmington Hills, Michigan 48334
248-865-9430